IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.136 OF 2007

Ramesh H. Solanki & anr. ...Appellants

vs.

Municipal Corporation of
Greater Bombay ...Respondent

Mr.S.K.Keswani for the Appellants
Ms Geeta Joglekar for the Respondent-B.M.C.

CORAM: A.S.OKA,J.
DATE : JUNE 27, 2007.

P.C.:

1. The first Appellant has filed an undertaking which is taken on record and marked ‘X’ for identification. The leaned Advocate for the Appellants submitted that the said undertaking is filed by the first Appellant for himself and on behalf of the second Appellant.

2. In view of this undertaking, I pass the following order:

i) L.C.Suit No.603 of 2007 stands dismissed as withdrawn.

ii) If application for regularization of the suit structure is made by the Appellants before the Competent authority of the Respondent-Corporation within a period of eight weeks from today, the said Application shall be decided by the concerned Authority within a period of ten weeks from the date on which the proposal for regularization is received.

iii) If proposal for regularization is submitted within the stipulated period of eight weeks, parties will maintain status quo as of today in all respects in respect of the disputed structure for a period of twenty four weeks from today.

iv) If application for regularization is not made within stipulated period, it will be open for the Respondent-Corporation to proceed with the action of demolition on completion of the said period of eight weeks.

v) The order passed on the application for regularization will be communicated by the concerned Authority of the Respondent-Corpration to the Appellants within a period of one week from the date of passing the order at the addresses mentioned in the cause title of the Appeal.

vi) The proposal for regularization, if made by the Appellants, will be considered on its own merits.

vii) Appeal is disposed of in above terms.

viii) Parties and the concerned Court to act upon an authenticated copy of this order.

JUDGE